

4/28/08

D R A F T

2008

ANNUAL TOWN MEETING

MOTIONS

**2008 ANNUAL TOWN MEETING MOTIONS
MAJORITY VOTE REQUIRED
UNLESS OTHERWISE SPECIFIED**

PRELIMINARIES

Ms. Briggs moves: to take up no new business after 10:00 PM and that when we adjourn, we adjourn and reconvene at 7:00 PM on April 24th in this hall.

CHOOSE TOWN OFFICERS

ARTICLE 1. Ms. Briggs moves: that Article 1 be left open for such other action thereunder as may be necessary and that the meeting take up Article 2.

HEAR REPORTS

ARTICLE 2. Ms. Briggs moves: that the Town vote to accept the reports of the various Town Officers and Committees.

CONSENT CALENDAR

Mr. Anzer moves: that the 2008 Annual Town Meeting advance for consideration Articles 13, 14, 15, 16, 18, 19, 20, 21, 47 and 48 and take action on such Articles without debate on any of such Articles, provided, that upon the request of five voters at this Meeting, made before the vote is taken on this motion, an Article shall be dropped from the Consent Calendar and shall be acted upon in the ordinary course of business at this Town Meeting.

- | | |
|-------------------|---|
| Article 13 | Property Tax Exemption Affirmative Action Recommended By: Finance Committee, Board of Selectmen and Board of Assessors Motion: That the Town take affirmative action on Article 13 as printed in the Warrant. Reason: routine (voted last year on consent calendar) |
| Article 14 | Light Plant Payment in Lieu of Taxes Affirmative Action Recommended by: Finance Committee, Board of Selectmen and Light Board Motion: That the Town take affirmative action on Article 14 as printed in the Warrant in the amount of \$340,000. Reason: routine (voted last year on consent calendar) |
| Article 15 | Light Plant Expenditures Affirmative Action Recommended by: Finance Committee, Board of Selectmen and Light Board Motion: That the Town take affirmative action on Article 15 as printed in the Warrant. Reason: routine (enterprise fund, voted last year on consent calendar) |

- Article 16 Road Repair Revolving Fund Expenditures**
Affirmative Action Recommended By:
Finance Committee, Board of Selectmen, and Public Works Commission
Motion: That the Town take affirmative action on Article 16 as printed in the Warrant, in an amount not to exceed \$120,000.
Reason: routine (revolving fund, voted last year on consent calendar)
- Article 18 Sewer System Expenditures**
Affirmative Action Recommended by:
Finance Committee, Board of Selectmen, and Public Works Commission
Motion: That the Town take affirmative action on Article 18 as printed in the Warrant.
Reason: routine (enterprise fund, voted last year on consent calendar)
- Article 19 Sewer Improvement Fund Expenditures**
Affirmative Action Recommended by:
Finance Committee, Board of Selectmen, and Public Works Commission
Motion: That the Town take affirmative action on Article 19 as printed in the Warrant.
Reason: routine (enterprise fund, voted last year on consent calendar)
- Article 20 Water System Expenditures**
Affirmative Action Recommended by:
Finance Committee, Board of Selectmen, and Public Works Commission
Motion: That the Town take affirmative action on Article 20 as printed in the Warrant.
Reason: routine (enterprise fund, voted last year on consent calendar)
- Article 47 Proposed Legislation – Information to Voters on Ballot Questions**
Affirmative Action Recommended by:
Finance Committee and Board of Selectmen
Motion: Ms. Briggs moves that the Town vote to renew the petition to the General Court to adopt legislation authorizing the Town of Concord to send certain information to registered voters on Ballot questions.
Reason: non-controversial (voted in 2002 by majority vote, this motion simply renews petition).
- Article 48 Debt Rescission**
Affirmative Action Recommended by:
Finance Committee and Board of Selectmen
Motion: Mr. Anzer moves that the Town vote to rescind the listed unused borrowing authority originally authorized by Town Meeting in 2005.
Reason: non-controversial (this motion is to help keep the financial records of the Town up to date by rescinding the balance of the borrowing authority that was not used for the Emerson Tennis Courts and the Hunt Gym improvements).

MEETING PROCEDURE

ARTICLE 3. Mr. Anzer moves: that the Town vote to adopt a “Rule of the Meeting” Resolution as follows:

Resolved: That in order to assure compliance with the requirements of Massachusetts General Laws Chapter 59, Section 21C, this Meeting hereby adopts the following Rule of the Meeting:

RULE OF THE MEETING

1. Articles for appropriations supported from current taxation and/or available funds

Any motion made under a warrant article or a motion to amend that would increase the appropriation amount over the amount recommended by the Finance Committee and designated by it as the “allocation at Levy Limit”, or that would provide for an appropriation where the Finance Committee is recommending NO ACTION, must specify the following:

- A. the original motion or a motion to amend shall specify the amount of increase over the appropriation recommended by the Finance Committee and the source of funding – whether from available funds, taxation within the levy limit, or contingent upon approval of an override ballot vote following the conclusion of Town Meeting if such ballot is voted by the Board of Selectmen in accordance with state law;
- B. If the proposed increased appropriation is proposed to be funded from taxation within the levy limit, the original motion or motion to amend shall specify the source of funding as:
 - 1. a reduction in the appropriation amount already voted under a previous article or within the article currently being considered; or
 - 2. a maximum amount that may be appropriated within the Levy Limit under a subsequent article in the warrant.

2. Articles for appropriations supported from borrowing

The Finance Committee shall report to the Meeting summarizing its recommendations for new tax-supported borrowing authority to be offered at this Meeting and for which the debt service is proposed to be funded within the Levy Limit.

Any motion made under a warrant article or a motion to amend that would increase the appropriation amount to be met by a borrowing authorization over the amount recommended by the Finance Committee or that would provide for an appropriation to be met by a borrowing authorization where the Finance Committee is recommending NO ACTION, must specify the following:

- A. the original motion or a motion to amend shall specify the amount of increase over the appropriation recommended by the Finance Committee and shall make the increase contingent upon approval of a debt exclusion or capital outlay exclusion ballot vote following the conclusion of Town Meeting if such ballot is voted by the Board of Selectmen in accordance with state law;

OR

- B. the original motion or motion to amend shall include a corresponding and offsetting reduction in another borrowing authorization from among those listed by the Finance Committee, either by a reduction in the amount already voted under a previous article or by setting a maximum amount of debt that may be authorized within the Levy Limit under a subsequent article in the warrant.

3. Appropriation article kept open.

Any article making an appropriation shall remain open for further action until the final adjournment of the Meeting.

SECRET BALLOT VOTING PROCEDURE

ARTICLE 4. Ms. Briggs moves: that the 2008 Annual Town Meeting adopt the following Rule for the conduct of the 2008 Annual Town Meeting:

On any vote at this Meeting, the vote shall be taken by secret ballot if one hundred (100) voters present at the Meeting so request before the Moderator calls for a vote to be taken.

CLASSIFICATION & COMPENSATION PLAN FOR REGULAR-STATUS POSITIONS

ARTICLE 5. Mr. Stiffler moves: that the Town vote to take affirmative action under Article 5 as printed in the handout.

PERSONNEL BYLAW AMENDMENT – Holidays

ARTICLE 6. Mr. Stiffler moves: that the Town vote to take affirmative action under Article 6 as printed in the Warrant.

TOWN BUDGET

ARTICLE 7. Ms. Briggs moves: that the Town vote to raise and appropriate the following sums of money for the necessary and expedient purposes of the Town for the fiscal year ending June 30, 2009, and that the same be expended only for such purposes under the direction of the Town Manager:

| <u>Item No.</u> | <u>Department</u> | <u>FY09 Appropriation</u> |
|-----------------------------------|---|--------------------------------------|
| General Government | | |
| 1A | Town Manager | \$ 290,227 |
| 1C | Town-wide building maintenance | <u>135,000</u> |
| | TOTAL Town Manager Acct.#1 | \$ 425,227 |
| 2 | Legal Services | \$ 270,000 |
| 3A | Elections | \$ 49,003 |
| 3B | Registrars | <u>10,519</u> |
| | TOTAL Elections & Registrars Acct. #3 | \$ 59,522 |
| 4 | Town Meeting & Reports | \$ 77,800 |
| <u>5</u> | <u>Planning and Land Management</u> | |
| 5A | Planning | \$ 220,577 |
| 5B | Board of Appeals | 42,714 |
| 5C | Natural Resources | 180,338 |
| 5D | Inspections | 330,318 |
| 5E | Health | <u>206,845</u> |
| | TOTAL Planning & Land Management | \$ 980,792 |
| 6 | 141 Keyes Road | 63,056 |
| | Total General Government | <u>\$ 1,876,447</u> |
| Finance and Administration | | |
| 7 | Finance Committee | \$ 1,275 |
| 8 | Personnel Administration | \$ 146,742 |
| <u>9</u> | <u>Finance Department</u> | |
| 9A | Administration | \$ 262,304 |
| 9B | Treasurer-Collector | 226,193 |
| 9C | Town Accountant | 117,471 |
| 9D | Assessors | 363,099 |
| 9E | Town Clerk | <u>192,849</u> |
| | TOTAL Finance Department | \$ 1,161,916 |
| 10 | Information Systems | \$ 351,743 |
| 11 | Town House | <u>\$ 93,897</u> |
| | Total Finance and Administration | <u>\$ 1,755,573</u> |

| Item No. | Department | FY09 Appropriation |
|------------------------------------|--|-------------------------------|
| Public Safety | | |
| 12 | Police Department | \$ 3,548,055 |
| 13 | Fire Department | 3,123,339 |
| 14 | West Concord Fire Station | 42,071 |
| 15 | Police and Fire Station | 265,922 |
| 16 | Emergency Management | 15,810 |
| 17 | Dog Officer | 17,626 |
| | Total Public Safety | \$ 7,012,823 |
| Public Works and Facilities | | |
| 18 | CPW Administration | \$ 137,487 |
| 19 | Engineering | 402,464 |
| 20 | Highway Maintenance | 1,049,711 |
| 21 | Snow Removal | 452,000 |
| 22 | Parks and Trees | 499,662 |
| 23 | Cemetery | 62,948 |
| 24 | Street Lighting | 62,660 |
| 25 | CPW Equipment | 278,000 |
| 26 | Drainage Program | 105,000 |
| 27 | Sidewalk Management | 90,000 |
| 28 | 133/135 Keyes Road | 94,360 |
| | Total Public Works and Facilities | \$ 3,234,292 |
| Human Services | | |
| 29 | Library | \$ 1,688,849 |
| 30 | Recreation Administration | 89,886 |
| 31 | Hunt Recreation Center | 129,034 |
| 33 | Harvey Wheeler Community Center | 124,592 |
| 34 | Council on Aging | 213,993 |
| 35 | Veterans Services and Benefits | 30,245 |
| 36 | Ceremonies and Celebrations | 23,865 |
| 37 | Information Center | 28,414 |
| | Total Human Services | \$ 2,328,878 |
| Unclassified | | |
| 38 | Town Employee Benefits | \$ 72,000 |
| 39 | Reserve Fund | 225,000 |
| 40 | Salary Reserve | 600,000 |
| 42 | Road Improvements | 85,000 |
| | Total Unclassified | \$ 982,000 |

| Item No. | Department | FY09 Appropriation |
|---|---|-------------------------------|
| Subtotal, accounts 1–42 for reference only (Finance Committee Guideline) | | \$17,190,013 |
| Joint (Town-CPS) | | |
| 43A | Group Insurance | \$ 3,845,000 |
| 43B | Property and Liability Insurance | <u>225,000</u> |
| | TOTAL Insurance Acct.#43 | \$ 4,070,000 |
| 44 | Unemployment & Workers' Comp. | \$ 200,000 |
| 45 | Retirement | \$ 2,450,000 |
| 46 | Social Security & Medicare | \$ 510,000 |
| 47A | Debt Service - within levy limit | \$ 3,100,000 |
| 47B | Debt Service - excluded from levy limit | <u>\$ 3,247,193</u> |
| | TOTAL Debt Service Acct.#47 | \$ 6,347,193 |
| Total Joint Accounts | | <u><u>\$13,577,193</u></u> |
| TOTAL ARTICLE 7 | | \$ 30,767,206 |

That the appropriation for equipment under these various line items is to be expended by the Town Manager. The Town Manager is authorized to turn in or sell at public auction the surplus equipment, the amount allowed or received therefor to be applied against the purchase of new equipment;

That the sum of \$14,000, state aid to libraries, be transferred to the use of the Library Committee for the purchase of books, periodicals, and subscriptions;

That the Town appropriate and transfer the sum of \$500 from the dog inoculation fees reserve account for the cost of the Board of Health's rabies clinic;

That the appropriation for salary reserve under line item 40 shall be transferred by the Town Manager to the various salary line items in accordance with salary levels established at July 1, 2008 and thereafter pursuant to the salary schedules adopted under Article 5, the implementation of the merit pay plan in accordance with Section 10.2 (2) of the Personnel Bylaws, and collective bargaining agreements. Any such transfers shall be reported periodically by the Town Manager to the Board of Selectmen and the Finance Committee, and a final report shall be issued when all such transfers have been completed for the fiscal year;

That the Town Manager is authorized to enter into inter-municipal agreements for joint provision of public services with one or more cities, towns, or districts pursuant to Chapter 40, Section 4A of the Massachusetts General Laws and Acts and amendments thereof or additions thereto; and report such agreements to the Board of Selectmen and Finance Committee;

That the Town authorize the sum of \$10,852.24 to be expended from the Title 5 Septic Loans Betterments reserve account to meet the loan payment to the Massachusetts Water Pollution Abatement Trust #T5-1070 due and payable during FY 2009, pursuant to Article 46 of 1997 and the loan totaling \$200,000 executed on December 22, 1999.

PUBLIC SCHOOL BUDGET

ARTICLE 8. Mr. Fischelis moves: that the Town raise from the tax levy and appropriate the sum of \$27,206,200 for the necessary and expedient purposes of the support of the public schools for the fiscal year ending June 30, 2009; and that the same be expended only for such purposes and under the direction of the Concord School Committee.

REGIONAL SCHOOL BUDGET

ARTICLE 9. Mr. Wedge moves: that the Town raise from the tax levy and appropriate the Town's apportioned share of \$13,488,028 for the Concord-Carlisle Regional School District for the fiscal year ending June 30, 2009; and that the same be expended only for such purposes and under the direction of the Concord-Carlisle Regional School Committee.

MINUTEMAN REGIONAL VOCATIONAL TECHNICAL SCHOOL DISTRICT

Mr. Lang moves: that the Town vote to raise from the tax levy and appropriate the Town's apportioned share of \$486,660 for the Minuteman Regional Vocational Technical School District assessment for the fiscal year ending June 30, 2009.

STABILIZATION FUND CREATION AND FUNDING

ARTICLE 10. Mr. Whelan moves: that the Town vote to take affirmative action on Article 10 as printed in the warrant in the amount of \$2,500,000.

Note to Moderator: 2/3 vote required.

FREE CASH USE

ARTICLE 11. Mr. Anzer moves: that the Town vote to authorize and direct the Assessors to take \$600,000 from Free Cash to reduce the tax levy for the fiscal year ending June 30, 2009.

UNPAID BILLS

ARTICLE 12. No motion is expected.

PROPERTY TAX EXEMPTION – *Consent Calendar*

ARTICLE 13. Ms. Johnson moves: that the Town vote to take affirmative action on Article 13 as printed in the Warrant.

LIGHT PLANT PAYMENT IN LIEU OF TAXES – *Consent Calendar*

ARTICLE 14. Mr. Whelan moves: that the Town vote to take affirmative action under Article 14 as printed in the Warrant in the amount of \$340,000.

LIGHT PLANT EXPENDITURES – Consent Calendar

ARTICLE 15. Mr. Whelan moves: that the Town vote to take affirmative action under Article 15 as printed in the Warrant.

ROAD REPAIR REVOLVING FUND EXPENDITURES - Consent Calendar

ARTICLE 16. Mr. Whelan moves: that the Town vote to take affirmative action under Article 16 as printed in the Warrant in the amount of \$120,000.

SOLID WASTE DISPOSAL FUND EXPENDITURES

ARTICLE 17. Mr. Whelan moves: that the Town vote to take affirmative action under Article 17 as printed in the Warrant.

SEWER SYSTEM EXPENDITURES – Consent Calendar

ARTICLE 18. Mr. Whelan moves: that the Town vote to take affirmative action under Article 18 as printed in the Warrant.

SEWER IMPROVEMENT FUND EXPENDITURES – Consent Calendar

ARTICLE 19. Mr. Whelan moves: that the Town vote to take affirmative action under Article 19 as printed in the Warrant.

WATER SYSTEM EXPENDITURES – Consent Calendar

ARTICLE 20. Mr. Whelan moves: that the Town vote to take affirmative action under Article 20 as printed in the Warrant.

BEEDE SWIM & FITNESS CENTER ENTERPRISE FUND; FY 2009 BUDGET

ARTICLE 21. Mr. Whelan moves: that the Town vote to appropriate the sum of \$2,188,060 from the estimated revenues of the Community Pool Enterprise Fund for the fiscal year beginning July 1, 2008, to be expended under the direction of the Town Manager for the operating expenses of the Beede Swim and Fitness Center, \$2,181,996 of said sum for expenses of the Center during fiscal year 2009 and \$6,064 of said sum to be transferred to the General Fund for reimbursement payments during fiscal year 2009; and further that the sum of \$35,443 be appropriated from the certified undesignated fund balance of June 30, 2007 to be transferred to the General Fund during fiscal year 2009 to complete the repayment of the \$100,000 General Fund appropriation made by Article 9, Item No. 32 of the 2005 Annual Town Meeting to fund pre-opening costs of the Center; in accordance with Chapter 44, Section 53F ½ of the Massachusetts General Laws and Acts and amendments thereof or additions thereto.

2008 ROAD PROGRAM

ARTICLE 22. Mr. Mahoney moves: that the Town vote to take affirmative action under Article 22 as printed in the Warrant in the amount of \$700,000 both as to the amount to be appropriated and the amount to be borrowed.

Note to Moderator: 2/3 vote required.

SPACE NEEDS STUDY

ARTICLE 23. No motion is expected.

Note to Moderator: 2/3 vote required.

EMERSON PLAYGROUND IMPROVEMENTS

ARTICLE 24. Mr. Whelan moves: that the Town vote to vote to appropriate the sum of \$150,000 to be expended under the direction of the Town Manager for the purpose of funding replacement, renovation, and other related work, to the Emerson Playground and any other costs incidental and related thereto; and that the meet this appropriation the Treasurer with the approval of the Board of Selectmen be authorized to borrow \$150,000 under the provisions of Chapter 44, Section 7(9) of the Massachusetts General Laws, and amendments thereof or additions thereto.

Note to Moderator: 2/3 vote required.

CONCORD PUBLIC SCHOOLS RENOVATIONS

ARTICLE 25. Mr. Wedge moves: that the Town vote to appropriate the sum of \$800,000 to be expended under the direction of the School Committee for remodeling, reconstructing or making extraordinary repairs, and related work, at various Concord Public School facilities; and that to meet this appropriation the Treasurer with the approval of the Board of Selectmen be authorized to borrow \$800,000 under the provisions of Chapter 44, Section 7 (3A) of the Massachusetts General Laws, and amendments thereof or additions thereto.

Note to Moderator: 2/3 vote required.

FY08 SUPPLEMENTAL APPROPRIATION

ARTICLE 26. No motion is expected.

BRUCE FREEMAN RAIL TRAIL

ARTICLE 27. Ms. Briggs moves: that the Town vote to authorize the Selectmen to submit the schematic design of the Bruce Freeman Rail Trail set forth in the 25% Design Report dated March 5, 2008 and accompanying plans dated March 5, 2008, to the Massachusetts Highway Department for approval, after which, only Significant Changes will require further approval of Town Meeting. Significant Changes are defined as:

1. change in the route
2. additional parking, rest stops or restroom locations
3. increase in trail width
4. change to the proposed surface of the trail

The Selectmen will determine if a revision to the schematic design is a significant change.

Motion to amend Article 27

Mr. Lauer moves to amend the motion under Article 27 by adding a requirement that "The 25% design must be amended prior to submission to include a specification of a suitable underpass to replace the existing culvert under Powder Mill Road, with the replacement underpass having a horizontal clearance at least as wide as the full width of the trail surface plus the width of the trail shoulders and a vertical clearance of at least ten feet and conforming to all applicable standards without waivers" and adding "Reduction in the horizontal or vertical clearance of the Powder Mill Road underpass or a request for a waiver from an applicable standard for the underpass" to the list of significant changes that would require further approval of Town Meeting.

BETTER BRUCE FREEMAN RAIL TRAIL IN CONCORD – BY PETITION

ARTICLE 28. Mr. Waters moves: that the Town vote to:

- (1) authorize the Selectmen to submit a 25% design for the Bruce Freeman Rail Trail (BFRT) that is based on the design commissioned by the Concord Greenways Alliance (CGA) to State agencies for approval;
- (2) authorize the town to accept a sum of \$10,000 from CGA to be expended under the direction of the Town Manager to cover costs of the changes needed in the 25% design created by Vanasse Hangen Brustlin, Inc. in order to create a 25% design consistent with CGA's design; and
- (3) require that any Significant Changes (but only Significant Changes) from CGA's design be approved by a vote at Town Meeting before a revised design for the BFRT incorporating them can be submitted to any State agency or used as the basis for building the BFRT in Concord; Significant Changes being defined as:

Increase in the width within which construction is allowed,
Change in the trail route, access points, or surface,
Increase in trail width,
Additional bridge, tunnel, ramp or underpass construction, or
Additional parking, rest stops or restrooms.

ACCESS FOR ALL FOR THE BRUCE FREEMAN RAIL TRAIL – BY PETITION

Article 29 Motion if Article 27 Passes

Ms. LaRocca moves that the Town vote to authorize the Board of Selectmen to submit to the Massachusetts Highway Department, a schematic design (so-called "25% design") which specifies an asphalt paved center trail surface, and wherever possible, soft-surface shoulders, for the entire length of the Bruce Freeman Rail Trail in Concord from Route 2 to the Sudbury town line, and that provides access to all Concord citizens and fully and easily supports all of the following uses: walking, running, road and mountain biking, wheelchairs and accessible cycling equipment, in-line skating, scooters and tricycles, rolling backpacks, strollers, and cross-country skiing, by:

amending page 10 of the VHB Design Report by replacing the first paragraph with the following:

A paved trail surface with soft-surface shoulders wherever possible is proposed for the entire length of the trail.

and deleting the second sentence in the second paragraph.

The amended text shall read as follows:

A paved trail surface with soft-surface shoulders wherever possible is proposed for the entire length of the trail. The paved trail is proposed as a 4-inch thick Hot Mix Asphalt (2-inch modified top course over 2-inch binder course) over an 8-inch gravel base as recommended by the Mass Highway Guide for shared-use paths.

Article 29 Motion if Article 28 Passes

Ms. LaRocca moves that the Town vote to authorize the Board of Selectmen to submit to the Massachusetts Highway Department, a schematic design (so-called "25% design") which specifies an asphalt paved center trail surface, and wherever possible, soft-surface shoulders, for the entire length of the Bruce Freeman Rail Trail in Concord from Route 2 to the Sudbury town line, and that provides access to all Concord citizens and fully and easily supports all of the following uses: walking, running, road and mountain biking, wheelchairs and accessible cycling equipment, in-line skating, scooters and tricycles, rolling backpacks, strollers, and cross-country skiing, by

amending the pages 15 through 18 of the Concord Greenways Alliance Design Report by replacing the sections beginning with Trail Surface up to but not including Design Waivers with the following:

A paved trail surface with soft-surface shoulders wherever possible is proposed for the entire length of the trail. The paved trail is proposed as a 4-inch thick Hot Mix Asphalt (2-inch modified top course over 2-inch binder course) over an 8-inch gravel base as recommended by the Mass Highway Guide for shared-use paths.

Article 29 Motion if Neither Article 27 Nor Article 28 Passes

Ms. LaRocca moves that the Town vote to authorize the Board of Selectmen to submit to the Massachusetts Highway Department, a schematic design (so-called "25% design") which specifies an asphalt paved center trail surface, and wherever possible, soft-surface shoulders, for the entire length of the Bruce Freeman Rail Trail in Concord from Route 2 to the Sudbury town line, and that provides access to all Concord citizens and fully and easily supports all of the following uses: walking, running, road and mountain biking, wheelchairs and accessible cycling equipment, in-line skating, scooters and tricycles, rolling backpacks, strollers, and cross-country skiing.

Article 29 Motion if Both Article 27 And Article 28 Pass

Ms. LaRocca moves that the Town vote to authorize the Board of Selectmen to submit to the Massachusetts Highway Department, a schematic design (so-called "25% design") which specifies an asphalt paved center trail surface, and wherever possible, soft-surface shoulders, for the entire length of the Bruce Freeman Rail Trail in Concord from Route 2 to the Sudbury town line, and that provides access to all Concord citizens and fully and easily supports all of the following uses: walking, running, road and mountain biking, wheelchairs and accessible cycling equipment, in-line skating, scooters and tricycles, rolling backpacks, strollers, and cross-country skiing, by:

amending page 10 of the VHB Design Report by replacing the first paragraph with the following:

A paved trail surface with soft-surface shoulders wherever possible is proposed for the entire length of the trail.

and deleting the second sentence in the second paragraph.

The amended text shall read as follows:

A paved trail surface with soft-surface shoulders wherever possible is proposed for the entire length of the trail. The paved trail is proposed as a 4-inch thick Hot Mix Asphalt (2-inch modified top course over 2-inch binder course) over an 8-inch gravel base as recommended by the Mass Highway Guide for shared-use paths.

And

amending the pages 15 through 18 of the Concord Greenways Alliance Design Report by replacing the sections beginning with Trail Surface up to but not including Design Waivers with the following:

A paved trail surface with soft-surface shoulders wherever possible is proposed for the entire length of the trail. The paved trail is proposed as a 4-inch thick Hot Mix Asphalt (2-inch modified top course over 2-inch binder course) over an 8-inch gravel base as recommended by the Mass Highway Guide for shared-use paths.

FUNDING FOR CONTINUING WORK ON THE BRUCE FREEMAN RAIL TRAIL-BY PETITION

ARTICLE 30. Ms. Brown moves: that the Town vote to appropriate the sum of \$50,000 from free cash to be expended under the direction of the Town Manager, for further study and design of the Bruce Freeman Rail Trail in Concord, including but not limited to: refinement of the design of the MBTA crossing, street crossings and access ramps, including engineering, surveys, and negotiations with interested governmental agencies; preparation of environmental permits, including additional environmental studies; and revisions to the 25% design required by vote of Town Meeting.

COMMUNITY PRESERVATION COMMITTEE APPROPRIATION RECOMMENDATIONS

ARTICLE 31. Ms. Gibson moves: that pursuant to the recommendation of the Concord Community Preservation Committee, the Town appropriate the sum of \$1,632,500 from the Concord Community Preservation Fund, of which \$30,000 shall come from the undesignated fund balance as of June 30, 2007, \$242,500 from funds previously allocated to Open Space and Housing Reserve funds and \$1,360,000 from projected Fiscal Year 2009 Fund Revenues, in accordance with Massachusetts General Laws, Chapter 44B, and amendments thereof and additions thereto, to be expended under the direction of the Town Manager as follows:

| Item | Project/Description | Amount | Category | Source of Funds | | |
|---------------|---|--------------------|-----------------------|-------------------------|----------------------------|------------------------|
| | | | | Prior Year Fund Balance | Prior Year Reserve Funds | FY09 CPA Fund Revenues |
| A | Concord Free Public Library Thoreau Book Collection | \$22,500 | Historic Preservation | | | \$22,500 |
| B | Town of Concord-Natural Resources Div. Conservation Restriction Data Assessment | 30,000 | Open Space | | | 30,000 |
| C | Concord Housing Development Corp. Create, Support and Preserve Community Housing | 175,000 | Housing | | 6,728.50 (Housing Reserve) | 168,271.50 |
| D | Town of Concord-Natural Resources Div. Concord Land Conservation Trust Hubbard Farm Field Acquisition | 750,000 | Open Space | | 235,771.50 | 514,228.50 |
| E | Concord Museum Collection Preservation/Climate Control | 200,000 | Historic Preservation | | | 200,000 |
| F | Town of Concord – Public Works Nashawtuc Bridge Restoration | 250,000 | Historic Preservation | | | 250,000 |
| G | Orchard House Restoration | 175,000 | Historic Preservation | | | 175,000 |
| H | Town of Concord Administrative Expenses | 30,000 | Administrative | 30,000 | | 0 |
| Totals | | \$1,632,500 | | \$30,000 | \$242,500 | \$1,360,000 |

Note to Moderator: 2/3 vote required.

COMMUNITY PRESERVATION COMMITTEE - 335 WALDEN STREET ACQUISITION

ARTICLE 32. Ms. Gibson moves: that pursuant to the recommendation of the Concord Community Preservation Committee, the Town appropriate the sum of \$225,000.00 from the Community Preservation Fund, from the undesignated fund balance at June 30, 2007, in accordance with Massachusetts General Laws Chapter 44B, and amendments thereof and additions thereto, to be expended under the direction of the Town Manager for the purpose of purchasing the rear portion of the property at 335 Walden Street as Open Space and which will be subject to a permanent Conservation Restriction conveyed by the Board of Selectmen to the Natural Resources Commission in accordance with Massachusetts General Laws Chapter 184.

Note to Moderator: 2/3 vote required.

COMMUNITY PRESERVATION COMMITTEE – 335 WALDEN STREET CONSTRUCTION

ARTICLE 33. Ms. Gibson moves: that pursuant to the recommendation of the Concord Community Preservation Committee, the Town appropriate the sum of \$385,000.00 from the Community Preservation Fund, of which \$319,414.00 shall be appropriated from the undesignated fund balance at June 30, 2007, and \$65,586.00 shall be appropriated from the projected Fiscal Year 2009 Fund revenues in accordance with Massachusetts General Laws Chapter 44B, and amendments thereof and additions thereto, to be expended under the direction of the Town Manager by the Concord Housing Trust for the creation of up to five dwelling units at 335 Walden Street, including the costs of design, engineering, permitting, construction and other costs related thereto, all of which will be subject to a permanent Affordable Housing restriction that runs to the benefit of the Town.

HUGH CARGILL FARM MANAGEMENT PLAN

ARTICLE 34. Ms. McIntyre moves: that the Town vote to accept the Hugh Cargill Farm Management Plan, as placed on file in the office of the Town Clerk and as summarized in a handout at Town Meeting and further that the Board of Selectmen be authorized to implement its recommendations.

DECISION PROCESS FOR ACQUISITION OF LAND – BY PETITION

ARTICLE 35. Mr. Rothermel moves: that the Town vote to establish a process whereby, when land acquisitions involve Town funds, affordable housing is considered as one possible use of the land before any final commitments are made. The Town Manager and the Board of Selectmen will be responsible for ensuring that a housing representative is present from the start of discussions with the Town to determine probable land uses.

RELEASE OF RESIDENTIAL RESTRICTION APPLICABLE TO LOT 6E FOREST RIDGE ROAD – BY PETITION

ARTICLE 36. No motion is expected

COMPREHENSIVE LONG RANGE PLAN – UPDATE HOUSING AND TRANSPORTATION AND CIRCULATION CHAPTERS – BY PETITION

ARTICLE 37. Ms. Loynd moves: that the Town vote to authorize the Board of Selectmen to appoint a Task Force to develop recommendations which address issues facing West Concord, to prepare updates to the 2005 Comprehensive Long Range Plan and work toward implementation.

ZONING BYLAW AMENDMENT – CUSTOMARY AND SPECIAL HOME OCCUPATIONS IN ALL DWELLINGS

ARTICLE 38. Ms. Cole moves: that the Town vote to take affirmative action under Article 38 as printed in the Warrant.

Note to Moderator: 2/3 vote required.

ZONING BYLAW AMENDMENT – PARKING REQUIREMENT FOR AUTOMATED TELLER MACHINES

ARTICLE 39. Mr. Watriss moves: that the Town vote to take affirmative action under Article 39 as printed in the Warrant.

Note to Moderator: 2/3 vote required.

ZONING BYLAW AMENDMENT – NONCONFORMING USES AND STRUCTURES

ARTICLE 40. Mr. Bobrowski moves: that the Town Vote to take affirmative action under Article 40 as printed in the Warrant.

Note to Moderator: 2/3 vote required.

ZONING BYLAW AMENDMENT – HEIGHT REQUIREMENTS FOR WIND TURBINE FACILITIES

ARTICLE 41. Mr. Adams moves: that the Town vote to take affirmative action under Article 41 as printed in the Warrant.

Note to Moderator: 2/3 vote required.

**ZONING BYLAW AMENDMENT – REDUCE THE AFFORDABLE HOUSING REQUIREMENT FOR
COMBINED BUSINESS/RESIDENCE USE**

ARTICLE 42. No motion is expected

Note to Moderator: 2/3 vote required.

**ZONING BYLAW AMENDMENT – REDUCED THE AFFORDABLE HOUSING REQUIREMENT FOR
COMBINED INDUSTRIAL/BUSINESS/RESIDENTIAL USE**

ARTICLE 43. No motion is expected.

Note to Moderator: 2/3 vote required.

EXTENSION OF MAIN STREET HISTORIC DISTRICT

ARTICLE 44. Ms. Kinkade moves: that the Town vote to take affirmative action under Article 44 as printed in the Warrant.

DEMOLITION DELAY BYLAW AMENDMENT

ARTICLE 45. Ms. Butman moves: that the Town vote to take affirmative action under Article 45 as printed in the handout.

ADOPTION OF QUORUM RULE

ARTICLE 46. Mr. Watriss moves: that the Town vote to take affirmative action under Article 46 as printed in the Warrant.

PROPOSED LEGISLATION – INFORMATION TO VOTERS ON BALLOT QUESTIONS – Consent Calendar

ARTICLE 47. Ms. Briggs moves: that the Town vote to take affirmative action under Article 47 as printed in the Warrant.

DEBT RESCISSION – Consent Calendar

ARTICLE 48. Mr. Anzer moves: that the Town vote to take affirmative action under Article 48 as printed in the Warrant.